

AO 440 (Rev. 10/93) Summons in a Civil Action

COPY
United States District Court
COPY

MIDDLE DISTRICT OF PENNSYLVANIA

DESMOND V. GAYLE,
Plaintiff

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER: 1:01-CV-1282
Judge Caldwell

WARDEN THOMAS HOGAN AND
DEPUTY BOWEN
Defendants

TO: (Name and address of defendant)

(SEE COMPLT.)

FILED
SCRANTON

AUG 13 2001

PER _____
DEPUTY CLERK

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Desmond V. Gayle
York County Prison
3400 Concord Road
York, Pa. 17402

An answer to the complaint which is herewith served upon you, within (20) Twenty days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Mary E. D'Andrea, Clerk
CLERK

July 18, 2001
DATE

George T. Gardner
(BY) DEPUTY CLERK

George T. Gardner

WAIVER OF SERVICE OF SUMMONS

TO:

Desmond Hayle

(Name of plaintiff's attorney or pro se plaintiff)

I acknowledge receipt of your request that I waive service of a summons in the action of Hayle vs. Hagan, which is case number CV-01-1282 in the United States District Court for the Middle District of Pennsylvania. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for the objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 7-23-01 (date request was sent), or within 90 days after that date if the request was sent outside the United States.

8/6/01

Date

Signature

Donald L. Reihart, Esquire

Printed/Typed Name:

Assistant County Solicitor for York County

Title if any:

2600 Eastern Blvd., Suite 204

Address:

York, PA 17402

For Corporation, if any:

Representing defendant(s) if any:

Deputy Warden Bowen, York County Prison

RECEIVED
USMS, MIDDLE/PA
2001 AUG -9 AM 8:50

WAIVER OF SERVICE OF SUMMONS

TO:

Donald L. Hayle

(Name of plaintiff's attorney or pro se plaintiff)

I acknowledge receipt of your request that I waive service of a summons in the action of Hayle vs. Hogan, which is case number CV-01-1282 in the United States District Court for the Middle District of Pennsylvania. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for the objections based on a defect in the summons or in the service of the summons.

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8/6/01

Date

Donald L. Reihart

Signature

Printed/Typed Name:

Donald L. Reihart, Esquire

Title if any:

Assistant County Solicitor for York County

Address:

2600 Eastern Blvd., Suite 204York, PA 17402

For Corporation, if any:

Representing defendant(s) if any:

Warden Hogan, York County Prison

2001 AUG -9 AM 8:50

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